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10 August 1979

Theresa M. Gillis, Esq.  
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100 Park Avenue  
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RE: CONTINUOUS PROCESS FOR EXPANDING TOBACCO  
Helf. 582-847 PM 697

Dear Terri:

It will not be easy to amend the claims in this case and respond to the Office Action in such a way as to overcome the Examiner's rejection. The following remarks may be helpful.

Three aspects should be kept in mind as being distinctive in the present invention: (1) the continuous nature of the process (Claim 1 should presumably begin "The continuous process of expanding..."), (2) the avoidance of heat build-up, and (3) the absence of lump formation or clumping in the impregnation step. Armstrong et al. disclose the use of powdered  $\text{CO}_2$  only as a supplement to the gas. Nowhere do they suggest a continuous process.

We can dispute Examiner's contention with regard to Claim 2 (bottom of page 2 of rejection). Armstrong et al. give the ranges 3 to 6 percent of  $\text{NH}_3$  and 2 to 8 percent of  $\text{CO}_2$ . Our Claim 2 specifies twice the stoichiometric amount of  $\text{CO}_2$ , which would be 7.8 to 15.5 percent based on the stated ammonia levels; Armstrong does not suggest this excess.

We are lacking the data you suggest showing the benefits of the process, except to say that in the examples of the present application lump formation was not seen, whereas it is a common inconvenience in a batch process with gaseous  $\text{NH}_3$  and  $\text{CO}_2$  as per Armstrong et al. Also cooling was not required during the impregnation in these examples, whereas the gaseous impregnation requires cooling coils in the walls of the impregnator.

Theresa M. Gillis, Esq.

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Finally, neither Hind nor Fredrickson et al. appear to suggest a continuous process. Hind is dealing only with tobacco stems, which present few puffing problems in comparison with filler cut from leaf and whose approach is therefore not directly applicable to the expansion described in the present disclosure.

Very truly yours,



G. Esler Inskeep

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cc: W. Gannon

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